



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1704-00

25 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 13 March 1962 at the age of 21. Your record reflects that you served for nearly a year without incident but on 11 April 1963 you were convicted by special court-martial (SPCM) of a 36 day period of unauthorized absence (UA). You were sentenced to forfeitures totalling \$165, confinement at hard labor for three months, and reduction to paygrade E-1. On 26 November 1963 you were convicted by civil authorities of transporting a stolen vehicle. You were sentenced to probation for three years.

Your record further reflects that on 16 January 1964 you were convicted by SPCM of three periods of UA totalling 130 days, failure to obey a lawful order, and breaking restriction. You were sentenced to confinement at hard labor for four months, a \$220 forfeiture of pay, and a bad conduct discharge (BCD). On 13 April 1964, while in confinement, you submitted a written request for immediate execution of the BCD. The BCD was subsequently approved all levels of review and ordered executed. On 24 April 1964 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. The Board also considered your contention that you did not receive adequate defense counsel and your separation was too harsh. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your drug related misconduct and lengthy period of UA from the Marine Corps. Further, there is no evidence in the record, and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director